

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-026970

06/14/2012

HONORABLE MICHAEL J. HERROD

CLERK OF THE COURT
M. Sahli
Deputy

MARVIN L ERICKSON, et al.

DAN M DURRANT

v.

PAUL D MCKERNAN, et al.

LEO R BEUS

TRIAL MINUTE ENTRY
DAY NINE

9:47 a.m. Trial to a Jury continues from June 13, 2012. Plaintiff Daniel Hu is present with counsel, Thomas Connelly. Defendants Folkestad are present with counsel, Dan Durrant. The jury is not present.

Court reporter, Marylynn LeMoine is present and a record of the proceedings is made by audio and/or videotape.

Court and counsel discuss trial schedule.

9:51 a.m. Court stands at recess.

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10:00 a.m. Court reconvenes with respective parties and counsel present. The jury is present.

Court reporter, Marylynn LeMoine is present and a record of the proceedings is made by audio and/or videotape.

Deposition testimony of Paul D. McKernan is read to the jury.

Plaintiffs rest.

10:06 a.m. The jury leaves the courtroom and court remains in session.

Plaintiffs make Oral Motion for Judgment as a Matter of Law as stated below:

Fraud
Conversion
Breach of Fiduciary Duty
Punitive Damages
Promissory Estoppel
Negligent Misrepresentation

Argument is presented to the Court.

IT IS ORDERED granting Judgment as a Matter of Law as to the statute of limitations on the conversion claim.

IT IS ORDERED as follows:

- (1) Denying judgment as a matter of law as to the remaining claims
- (2) Deferring ruling on the claim for punitive damages pending testimony in Defendants' case.

11:30 a.m. Court stands at recess.

1:05 p.m. Court reconvenes with respective parties and counsel present. The jury is present.

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Court reporter, Amy Weaver is present and a record of the proceedings is made by audio and/or videotape.

Defendants' case:

Deborah Williams is sworn and testifies.

1:10 p.m. The jury leaves the courtroom and court remains in session.

Voir dire of the witness by Plaintiffs' counsel.

1:13 p.m. The jury is now present.

Defendants' exhibit 195 is received in evidence.

Court and counsel discuss Juror Questions.

The Court directs the appropriate questions to the witness.

FILED: Juror Questions (2)

The witness is excused.

Kristen Smith is sworn and testifies.

The witness is excused.

2:30 p.m. Court stands at recess.

2:40 p.m. Court reconvenes with respective parties and counsel present. The jury is present.

Court reporter, Amy Weaver is present and a record of the proceedings is made by audio and/or videotape.

Deposition testimony of Paul D. McKernan, M.D. is read to the jury.

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FILED: Deposition of Paul D. McKernan taken April 14, 2010

5:01 p.m. Court stands at recess until 9:30 a.m. on June 15, 2012.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.